REMARKS/ARGUMENTS

- Response to claim 19 rejection on Page 8 of the Office Action:

1. The dashed line that you referenced from page 3 from the Visio User Guide is not a graphical element or shape but rather a temporary visual selection indicator. It is not considered a shape or an element in its own right. It is not visible unless the group is selected and will it print when the grouped shapes are printed. Remarks figure 1 is from Visio flow chart and shows the dashed line when the group is selected. Remarks figure 2 shows the same group unselected. There is no dash line and thus no grouping graphical element. remarks figure 3 is an example of my grouping shape that I am trying to cover with this claim. It is a real shape, grouping the other shapes, but an independent graphical entity. I have shown it here, unselected, with the same contents as in remarks figures 1 & 2.

2. The dashed line has no border nor can it have a border and thus is not comprised of a border as required by my claim.

3. The dashed line is always a rectangle and thus is not comprised of a border of any shape as claim requires.

4. The dashed line is always a rectangle and cannot be infinitely, variably shaped at all points. It is only adjusted at four points. I use the verb "can" in the claim to mean "is able to". Figure 5 in the Drawings Section of my patent application shows my grouping shape with the bottom right corner indented. The dashed line cannot take this shape – is not capable of becoming this shape.

5. Visio does not refer to the dotted line as a shape or graphical element. It refers the group of shapes but not the dotted line that surrounds the group. This is further demonstrated by the fact that any action done to the Visio group is done to the shapes within the group but the dotted line does not change. For example, if the color is changed, the shapes within the group change but the dotted line around the shapes do not. Contrast this with my group shape. If an action it taken on my group shape, it changes but the shapes within the group do not change. So, if my group shape border is set to red, its border turns red while the shapes within the group stay blue as in.

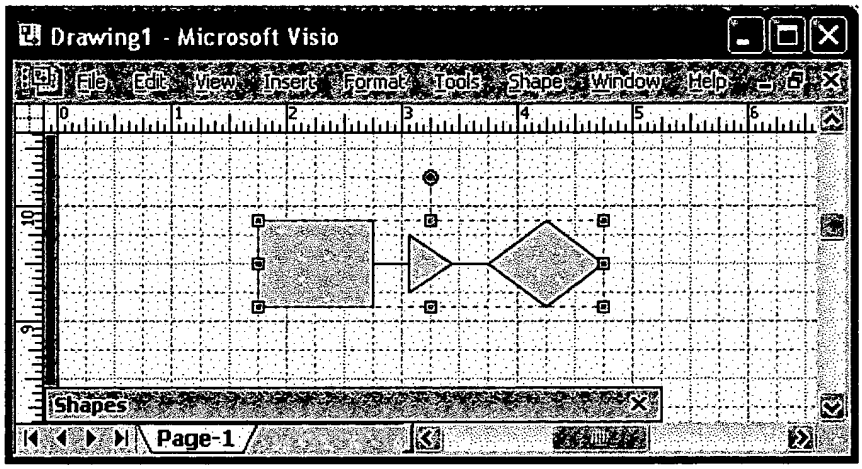
6. The dashed line will appear when only one shape, no group, is selected thus showing it is unrelated to groups.

7. The dashed line can not exist by itself as my grouping shape can, as shown in Figure 5 in the Drawings Section of my patent application. Thus it is not a graphical entity.

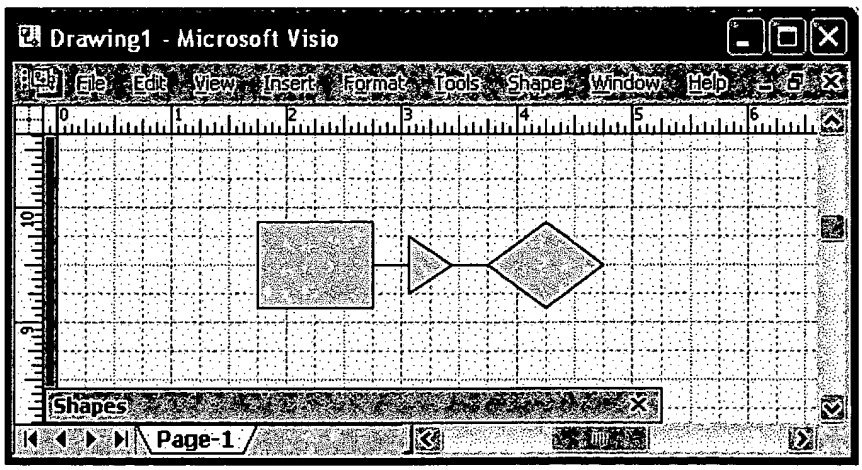
8. The shape of the dashed line is determined by the positions of the items being grouped and thus its shape can not be shaped at all.

9. The dashed line may not have an attached, subordinate graphical container as my grouping shape. I use "may have" in the claim to mean that the group shape is capable of having a subordinate container should the user choose. The dashed line is not capable of this. Figure 5 in the Drawings Section of my patent application shows the subordinate container with the text "fence, group" in it. The dashed line is not capable of this. This subordinate container is described in claim 20.

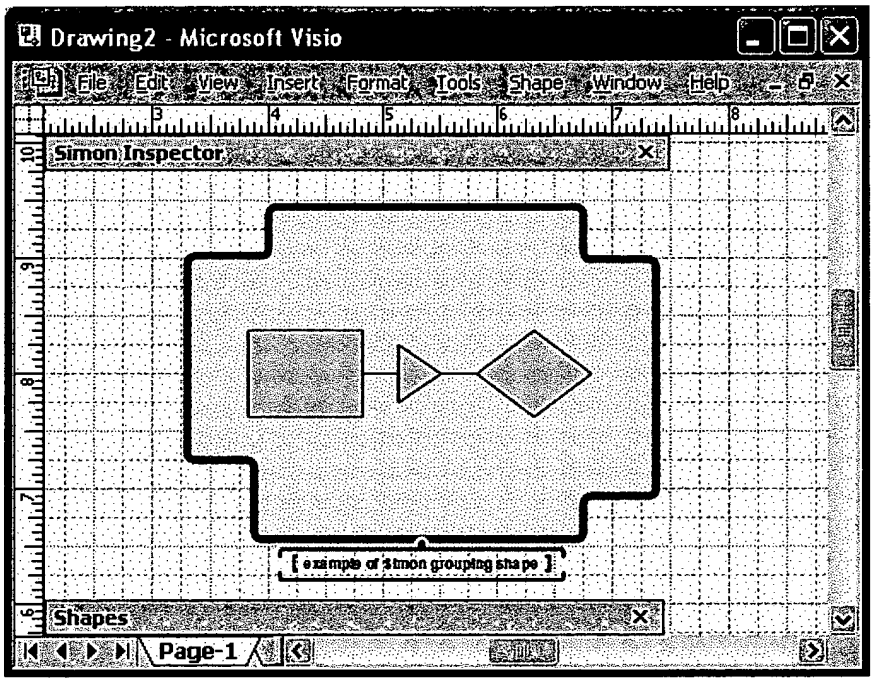
10. I would be happy to change can to must or make other changes to better satisfy the objections.



remarks figure 1



remarks figure 2



remarks figure 3

- Response to claim 20 rejection on Pages 7-8 of the Office Action:

1. Nochur has notes and annotations (documents) that are linked to by clicking on icons or an indicator in the main shape. This is similar to an email with an attachment and an icon to show that it exists and to be clicked upon to open the attachment. These are not subordinate to the main shape, but merely linked to by the main shape. He even calls them links.

2. The Nochor icons and document are separate entities not a single subordinate container shape. They are even referred to as distinct items – a *visual cue* for the icon and *notes and attachments* for the documents.

3. The Nochor documents exist physically as separate, independent documents on disk. This is demonstrated by Figure 8 element 82 which shows their filenames. Thus they can be accessed independently without the main shape and are not subordinate to or controlled by the main shape.

4. Nochur's attached documents are not controlled by the main shape. They are independent documents that are manipulated and edited by separate mechanisms. For example, the text in the document is manipulated by an independent editor not the controller for the shape. This is evidenced by the fact that the text can only be changed by first opening the document. The text in my subordinate shapes is manipulated by the same inspector that controls the parent shape and can be edited whether the subordinate shape is visible or not. Nothing in the subordinate shape can be altered except through the parent shape.

5. Nochor's attached documents are not graphical elements. They are opened by clicking on a graphical element – an icon.

6. Nochor's attached documents are not shapes in the same way as an attached document to an email is not considered a graphical element or shape. They are just documents.

7. The Nochor attached document is not a container shape nor does he reference it in that way.

8. Nochor's attached documents are not connected to the main shape. They are pop-ups that may or may not touch the main shape. Figure 15 in the Drawings Section of my patent application shows the subordinate container shape physically attached to the parent shape in four examples.

9. Since the attached documents are not connected to the main shape(see 5), they cannot be positioned by an attachment point. The Nochor icons are not the subordinate shape but a visual cue to be clicked to materialize the linked document. Even so, Nochor icons are not attachment points nor are they positional by the user. Also, the Nochor documents are not attached at a point since they will appear at an unspecified place.

10. I use the word *connected* to mean joined or physically touching and moving together. My use of *attach point* further says that they are physically attached and touching. Nochor uses the language *separate box* to describe the attached document which says they are not connected. Nochor also referes to them as an *attachment* and *linked* which are terms used to show they are *removed from* not *connected.*

11. Nochor's documents are only visible when the related icon is clicked. They will not move with the main shape and will not print with the main shape.

12. Nochor doesn't talk about his main object as a parent shape that has a subordinate shape. He doesn't see it that way and doesn't use that language.

13. There are no written statements or figures in Nochor that say the attachments can have graphics as required by my claim. All figures show only text.

14. Nochor Figure 7 shows the popup touching two shapes at many points – at random based on the size of the screen. There isn't an attach point and it is not discernable which shape caused the popup (other than the legend used for the patent which is not a part of the invention).

15. My attachment point must be available but doesn't have to be used if the subordinate shape is in the desired location to state. I use "can" to mean "is capable of" should the user desire or need to. What is a better phrase than "can be positioned"? If I were allowed to change the claim would the following be better?

    The position of the subordinate shape is determined by manipulating its attachment point anywhere around the parent to cause the subordinate shape to reattach at predetermined, appropriate points in the vicinity closest to where the use indicates.

- Response to claim 1 rejection on Pages 2-8 of the Office Action:

1. The stated intent of Nochor is to "create applications" while the stated intention of my invention is "CAPTURING AND COMMUNICATING ENTERPRISE AND TECHNOLOGY STRUCTURES, PROCESSES, STRATEGIES AND CONCEPTS.." Nochor's uses *applications* to mean computer programs and his unique-ness is that they are domain-specific applications. The intent of my invention is the documentation of all business communication including, for example, strategy which is not covered at all by Nochor. The "domain specific" language is commonly used today to discuss the generating of software applications specific to a domain.

2. Because of response 1 above, Nochor shapes represent program code segments not nouns and verbs as required by my patent. Nochor claims state "create a user-specific application" and "generator module" as evidence of the objective.

3. Nochor shapes, as shown in their patent Figure 8 and on page 8 of the Winflow document you sent, represent flow chart symbols or application specific concepts not nouns or verbs as my claim states.

4. My graphical element is comprised of the shape 1.(a), the icon within the shape 1.(b), variable text 1.(c), adornments 1.(d), and the subordinate container 1.(e). A Nochor symbol corresponds to 1.(a), the text within the symbol corresponds to 1.(c). There aren't any predefined icons. Their symbols only have text in them. Figures 12C and 14A in the Drawings Section of my patent application shows the icons that go into the shape 1.(a) and Figure 9A shows an icon in the shape. The icons you refer to on page 4 of your refusal are actually the link icons to the attached documents and not the icons of 1.(b) which are a part of the graphical element that visually represent the noun or verb. Also, your argument overloads these icons by saying they are the icons on my 1.(b), the adornments of my 1.(d), and also the attach points of my 1.(e). They can't be all three and I think I have shown that they aren't any. Thus Nochor is missing my 1.(b), 1.(d), and 1.(e).

5. Since Nochor allows symbols to be created, the symbols can not be considered predefined with predefined meaning as in my 1.(a). This is very important and distinguishes my visual language from a general purpose flow charting and software modeling tool. Nochor also allows new link types to be created and thus are not predefined with predefined meaning.

6. 1.(e) is the attached subordinate container shape of claim 20. All the statements in my response to claim 20 above, apply to claim 1. Nochor does't have an attached subordinate container shape.

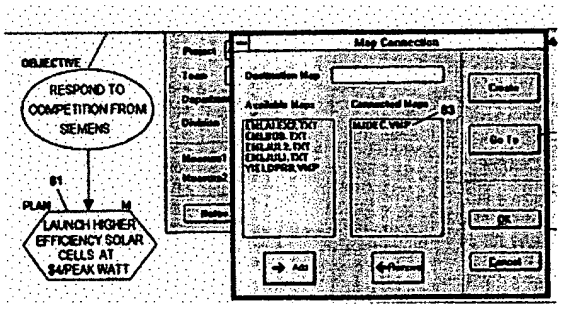
- As to your objections to claims 2 through 18, I think I have covered them by these comments above and it is my understanding that they should be accepted if claim 1 is accepted.

- Regarding Patent No. 5,406,477 to Harhen, without your specific comments it is difficult to see how this would be considered prior art. There is no mention of a subordinate container shape (my claim 20), no mention of a grouping shape (my claim 19), and no graphical element with the characteristics identified in my claim 1. The patent stated intent is for enterprise decision support, focusing mainly on data for analysis, and only tangentially touches on enterprise strategy but is not the same purpose as my invention. I will gladly address any specific concerns that you have.

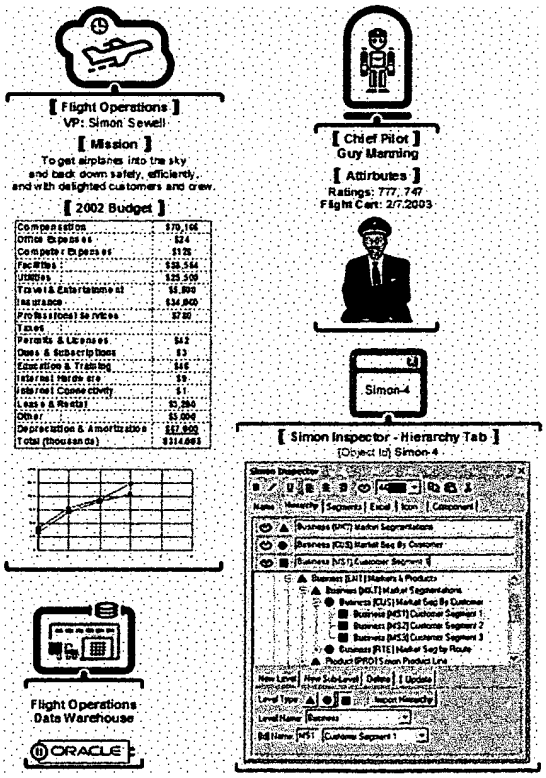
- Regarding Patent No. 6,233,537 to Gyphon et al., without your specific comments it is difficult to see how this would be considered prior art. There is no mention of a subordinate container shape (my claim 20), no mention of a grouping shape (my claim 19), and no graphical element with the characteristics identified in my claim 1. The patent is in the domain of business modeling but addresses only workflow/process flow. Their shapes represent "elements of a process" and not nouns and verbs. I will gladly address any specific concerns that you have.

- Regarding U. S. PGPUB No. 2003/0233631 to Curry et al., the stated intent of the patent is to generate web applications so the shapes in this tool would represent code snippets and not nouns and verbs. They also use UML whose shapes represent elements of the methodology and not nouns and verbs. There is no mention of a subordinate container shape (my claim 20), no mention of a grouping shape (my claim 19), and no graphical element with the characteristics identified in my claim 1. Without your specific comments it is difficult to see how this would be considered prior art. I will gladly address any specific concerns that you have.

- If you just visually compare examples from both patent application drawings (two Nochor objects, remarks figure 4, against four of my objects, remarks figure 5), you can see that there is hardly any similarity. My icons are real iconic representations of the nouns and the bracket (subordinate container shape) is clearly attached.



remarks figure 4



remarks figure 5

- Regarding MPEP 706.07(a), I was told by Blake Betz, Patent Examiner AU 2672, that the amendments I submitted in response to his previous rejections would not cause the action to be final but that I would be in the same position with these rejection reasons as I was with the first. I traveled to Washington, DC to present my invention and discussed the problems he had with my language. The changes I made were purely driven by his assistance in making the language more understandable to him – nothing changed in the invention. For example, Blake suggested *shape* be changed to *graphical element*. These were not additions or changes to the invention but language differences. Blake even reviewed and approved the amendments before I sent them in officially. I have the emails. I was also told I could have the examiner write the claims since I am an independent inventor with no attorney but because of the final action, I can no longer do that. I don't think the action should be final.

- I am having the same language problems again and I'm afraid to make any changes to rectify. I don't understand the *can* versus *must* objection. Should I say "must be able to"? If that is it, I would be glad to make the change. I will be happy to travel to DC again to discuss this with the new examiner and/or have the claims written by the new examiner.